

Ex. M-N(a)

Affidavit of Facts

MIDLAND FUNDING LLC,
A/P/O BANK OF AMERICA,

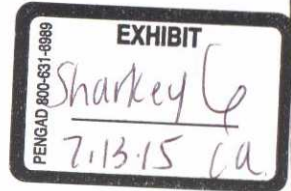
Plaintiff,

AFFIDAVIT OF FACTS

-vs-

THOMAS SHARKEY,

Defendant(s).



Nancy Kohls, whose business address is 16 Mcleland Road Suite 101, St. Cloud, MN 56303, being duly sworn deposes and says the following statement in support of Plaintiff's Application for Default Judgment:

1. I am employed as a Legal Specialist and have access to pertinent account records for Midland Credit Management, Inc. ("MCM"), servicer of this account on behalf of plaintiff. I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained on plaintiff's behalf. Plaintiff purchases portfolios of delinquent accounts from either the original credit grantor or a subsequent purchaser of the account, and MCM services the accounts on behalf of Plaintiff. As part of its operations, MCM operates and maintains computer systems, into which MCM integrates electronic records and information received from the seller regarding the individual accounts.
2. Plaintiff is the current owner of, and/or successor to, the obligation sued upon, and was assigned all the rights, title and interest to defendant's BANK OF AMERICA account 4888936041731898 (MCM Number 8539329336) (hereinafter "the account"). I have access to and have reviewed the electronic records pertaining to the account and am authorized to make this affidavit on plaintiff's behalf.
3. I am familiar with and trained on the manner and method by which MCM creates and maintains its business records pertaining to this account. The records are kept in the regular course of business. It was in the regular course of business for a person with knowledge

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of the act or event recorded to make the record or data compilation, or for a person with knowledge to transmit information thereof to be included in such record. In the regular course of business, the record or compilation is made at or near the time of the act or event. The relevant financial information concerning the account includes the following:

4. The account shows that the defendant(s) owed a balance of \$6959.54 as of 2011-05-29.
5. MCM's records show that this action is based upon a revolving credit agreement entered into between defendant(s) and the original credit grantor. MCM's records further indicate defendant(s) used or authorized the use of the credit card account but failed to make the payments due pursuant to the agreement.
6. Based upon my review of MCM's business records: 1) defendant(s) opened the account with BANK OF AMERICA on 2006-03-10; 2) the last payment posted to the account on 2009-03-23; and 3) the account was charged off on 2009-04-30.
7. It is in the regular course of business of plaintiff's agents and/or its attorneys for demand to be made for payment of the balance herein more than 30 days prior to making this affidavit; defendant(s) failed to make full payment of the amount owed on the account; and the attorneys representing plaintiff were retained for the purpose of collecting the delinquent debt owed on the account set out above.
8. This affidavit is executed for the purpose of enabling plaintiff to obtain a default judgment against the defendant herein for defendant's failure to answer or otherwise defend as to plaintiff's complaint.
9. It is in the ordinary course of business for plaintiff or its agents to send a validation letter to defendant(s) in accordance with the Fair Debt Collection Practices Act (15 USC § 1692g) setting forth the amount of the debt, identifying plaintiff as the creditor to whom the debt is owed, and notifying defendant(s) that, in accordance with the FDCPA, unless defendant(s) disputes the validity of the debt, or any portion of it, the debt will be assumed valid.

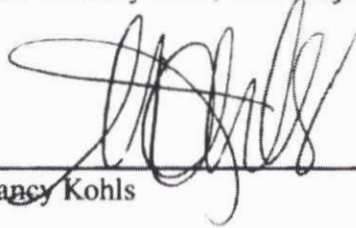
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I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

MAY 15 2012


Date


Nancy Kohls

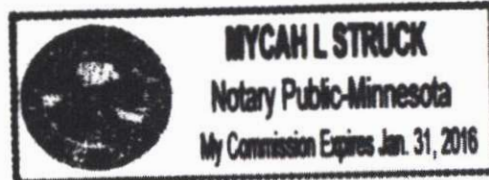
STATE OF MINNESOTA)
) ss
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me on this 15 day of May, 2012, by Nancy Kohls, a Legal Specialist of Midland Credit Management, Inc., a foreign corporation, and hereby notarized pursuant to the laws of the State of Minnesota on behalf of the corporation.

Subscribed and sworn to before me this 15 day of May, 2012.


Signature of Notary Public or Other Official

Notarial Stamp or Seal (or other Title or Rank):



NY61
Forster & Garbus

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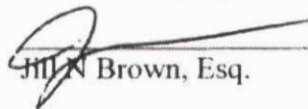


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CERTIFICATE OF CONFORMITY

I, Jill N Brown, an attorney-at-law of the State of Minnesota who resides in the State of Minnesota and is fully acquainted with the laws of the State of Minnesota pertaining to the acknowledgment or proof of deeds of real property to be recorded therein, do hereby certify that I am duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law of the State of New York and hereby certify that the acknowledgment or proof upon the foregoing document was taken by Mycah L. Struck, a notary public in the State of Minnesota, in the manner prescribed by the laws of the State of Minnesota and conforms to the laws thereof in all respects.

IN WITNESS WHEREOF, I have hereunto set my signature, this 15 day of May, 2012.



Jill N Brown, Esq.

Attorney at Law, ID# 278117
State of Minnesota